

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings new Figs. 2A and 3A. Applicants respectfully submit that no new matter is being introduced into the specification by these new figures.

Attachments: New drawing sheets

REMARKS

Claims 13-24 are pending in the present application. Claims 13 and 22-24 have been amended. Claims 13, 23, and 24 are independent claims.

Wrong Set of Claims Examined

Applicants respectfully point out that the Examiner has errantly made original claims 1-12 the subject of examination even though these claims were canceled and replaced with claims 13-24 in the Preliminary Amendment filed January 31, 2006. Thus, the claim objections and rejections in the outstanding Office Action are directed to the wrong set of claims, given that claims 13-24 were the only pending claims at the time the Office Action was issued. However, while the claim objections and rejections in the outstanding Office Action are not directed to pending claims 13-24, Applicants shall attempt to address the content of such claim objections/rejections inasmuch as they could conceivably apply to currently pending claims 13-24.

Drawings

The Examiner objected to the drawings for not showing every claimed feature. Particularly, the Examiner asserts that the drawings do not show the claimed first and second uplink packet processors and the claimed first and second downlink packet processors.

New Fig. 2A is attached hereto illustrating both an uplink packet processor 250 and downlink packet processor 260 in the wireless LAN terminal STA. New Fig. 3A is attached hereto illustrating both an uplink packet processor 440 and downlink packet processor 430 in the diversity device 120. Applicants respectfully submit that Figs. 2A and 3A do not add new matter to the present application. The subject matter being supported in the original disclosure at, e.g., Figs. 2 and 3 and the originally filed claims.

In view of the addition of Figs. 2A and 3A, the Examiner is respectfully requested to reconsider and withdraw the drawing objections.

Claim Objections

The Examiner has objected to the claims for various informalities. These alleged informalities relate to the specific language of original claims 1-12, which were errantly considered by the Examiner.

As to the Examiner's objection to "association-established wireless LAN base stations" in original claim 1 (lines 12-13) and original claim 11 (line 19), Applicants submit that claims 13-24 do not contain such language. Similarly, Applicants submit that the examiner's objection to "terminals" in original claim 12 (line 8) is not applicable to any of claims 13-24.

As to the Examiner's objection to the use of commas instead of semicolons, Applicants respectfully submit that there is no steadfast requirement to use semicolons to separate claim elements as asserted by the Examiner. See, e.g., MPEP § 608.01(m); 37 CFR 1.75. Regardless, Applicants point out that pending claims 13-24 do use semicolons to separate the elements.

The Examiner further objected to the recitation of "a second uplink packet processor" in original claim 1 (line 15) because the claim allegedly did not recite a first uplink packet processor. However, this objection was raised even though original claim 1 did recite "a first uplink packet processor" in lines 8-9. The Examiner similarly objected to the recitation of "a second downlink packet processor" in original claim 1 (line 25), even though "a first downlink packet processor" was already recited in line 19. Furthermore, the Examiner similarly objected to the recitations of a second uplink and downlink packet processor in original claim 11, even though first uplink and downlink packet processors were already recited in the claim.

Regardless, Applicants point out that each of the currently pending independent claims (13, 23, and 24) recites both first and second uplink packet processors, and both first and second downlink packet processors.

Rejection Under 35 U.S.C. § 112

The Examiner rejected original dependent claims 2-10 under 35 USC 112, 2nd paragraph, as being indefinite. In making this rejection, the Examiner asserted that it was unclear whether the recitations of “the first uplink packet processor,” “the second uplink packet processor,” “the first downlink packet processor,” and “the second downlink packet processor” in these dependent claims referred to the diversity device or the wireless LAN terminal of independent claim 1.

Initially, Applicants point out that this rejection is moot since none of claims 2-10 were pending at the time the Office Action was issued. Thus, this rejection must be withdrawn.

However, Applicants point out that original claim 1 clearly stated that the wireless LAN terminal included the first uplink packet processor and second downlink packet processor (see lines 8-9 and 25-26), while the diversity device included the second uplink packet processor and first downlink packet processor (see lines 14-15 and 19). Accordingly, there was no indefiniteness as to which of the diversity device and the wireless LAN terminal was being referred to in claims 2-10.

Similarly, Applicants submit that there is no indefiniteness in pending claims 13-24 as to which of the LAN terminal and the diversity device is being referred to by the first and second uplink packet processors and the first and second downlink packet processors. Independent claims 13, 23, and 24 make it clear that the “first uplink packet processor” and the “second downlink packet processor” are included in the LAN terminal, while the “second uplink packet processor” and the “first downlink packet processor” are included in the diversity device.

No Prosecution History Estoppel

Various clarifying amendments have been made to claims 13-24. It is respectfully submitted that these claims are merely editorial in nature, and do not substantively change the scope of the claimed subject matter. Also, Applicants submit that these amendments were not made for any reason relating to patentability. As such, these clarifying amendments do not give rise to any estoppel, and claims 13-24 are entitled to their full range of equivalents during future consideration.

CONCLUSION

Since the references cited by the Examiner in the PTO-892 have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachments